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SEP 26 2011

**Carol E. Higbee, P.J.Cv.**

**In re: ACCUTANE LITIGATION**

: SUPERIOR COURT OF NEW JERSEY  
: LAW DIVISION  
: ATLANTIC COUNTY  
:  
: CIVIL ACTION  
:  
: Case No. 271  
:  
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**ORDER REGARDING PRODUCTION OF PLAINTIFF  
FACT SHEETS AND DEFENDANT FACT SHEETS**

**THIS MATTER**, having come on before the Court on the application of the parties, and  
good cause having been shown,

IT IS on this 26 day of Sept, 2011,

**ORDERED** as follows:

**A. PLAINTIFF FACT SHEETS<sup>1</sup>** (This order only applies to complaints filed  
between June 1, 2011 and August 18, 2011.)

1. For those firms that filed less than 20 complaints during the relevant time period,  
Plaintiff Fact Sheets shall be served by October 3, 2011 or 45 days from the filing of Roche's  
Answer or other responsive pleading, whichever is later.

2. For those firms that filed more than 20 complaints but less than 100 complaints  
during the relevant time period, Plaintiff Fact Sheets are due as follows:

a) 50% of the PFSs shall be served by November 4, 2011 or 45 days from the filing  
of Roche's Answer or other responsive pleading, whichever is later; and

<sup>1</sup> "Plaintiff Fact Sheet" refers to the five (5) components of the Plaintiff's Fact Sheet package: the Plaintiff's Fact Sheet, Confidential Fact Sheet, fact sheet production (medical records), a signed authorization for each provider releasing records to "Gibbons P.C., One Gateway Center, Newark, NJ 07102-5310 and/or its authorized agent(s)," as well as an E-Discovery response, and any documents responsive to the E-Discovery questionnaire.

- b) 50% of the PFSs shall be served by November 30, 2011 or 45 days from the filing of Roche's Answer or other responsive pleading, whichever is later.

3. For those firms that filed more than 100 complaints but less than 400 complaints during the relevant time period, Plaintiff Fact Sheets are due as follows:

- a) 25% of the PFSs shall be served by November 4, 2011 or 45 days from the filing of Roche's Answer or other responsive pleading, whichever is later;
- b) 25% of the PFSs shall be served by November 30, 2011 or 45 days from the filing of Roche's Answer or other responsive pleading, whichever is later;
- c) 25% of the PFSs shall be served by December 30, 2011 or 45 days from the filing of Roche's Answer or other responsive pleading, whichever is later; and
- d) 25% of the PFSs shall be served by January 31, 2012 or 45 days from the filing of Roche's Answer or other responsive pleading, whichever is later

4. For those firms that filed more than 400 complaints but less than 1,000 complaints during the relevant time period, Plaintiff Fact Sheets are due as follows:

- a) 20% of the PFSs shall be served by November 30, 2011 or 45 days from the filing of Roche's Answer or other responsive pleading, whichever is later;
- b) 20% of the PFSs shall be served by December 30, 2011 or 45 days from the filing of Roche's Answer or other responsive pleading, whichever is later;
- c) 20% of the PFSs shall be served by January 31, 2012 or 45 days from the filing of Roche's Answer or other responsive pleading, whichever is later;
- d) 20% of the PFSs shall be served by February 29, 2012 or 45 days from the filing of Roche's Answer or other responsive pleading, whichever is later; and
- e) 20% of the PFSs shall be served by March 30, 2012 or 45 days from the filing of Roche's Answer or other responsive pleading, whichever is later.

5. For those firms that filed more than 1,000 complaints during the relevant time period, Plaintiff Fact Sheets are due as follows:

- a) 10% of the PFSs shall be served by November 30, 2011 or 45 days from the filing of Roche's Answer or other responsive pleading, whichever is later;
- b) 10% of the PFSs shall be served by December 30, 2011 or 45 days from the filing of Roche's Answer or other responsive pleading, whichever is later;

- c) 10% of the PFSs shall be served by January 31, 2012 or 45 days from the filing of Roche's Answer or other responsive pleading, whichever is later;
- d) 10% of the PFSs shall be served by February 29, 2012 or 45 days from the filing of Roche's Answer or other responsive pleading, whichever is later;
- e) 10% of the PFSs shall be served by March 30, 2012 or 45 days from the filing of Roche's Answer or other responsive pleading, whichever is later;
- f) 10% of the PFSs shall be served by April 30, 2012 or 45 days from the filing of Roche's Answer or other responsive pleading, whichever is later;
- g) 10% of the PFSs shall be served by May 31, 2012 or 45 days from the filing of Roche's Answer or other responsive pleading, whichever is later;
- h) 10% of the PFSs shall be served by June 29, 2012 or 45 days from the filing of Roche's Answer or other responsive pleading, whichever is later.
- i) 10% of the PFSs shall be served by July 31, 2012 or 45 days from the filing of Roche's Answer or other responsive pleading, whichever is later.
- j) 10% of the PFSs shall be served by August 31, 2012 or 45 days from the filing of Roche's Answer or other responsive pleading, whichever is later.

6. For those cases selected for core discovery or trial, Plaintiffs shall serve the Plaintiff's Fact Sheet in accordance with the applicable core discovery or pretrial Order.

## **B. DEFENDANT FACT SHEETS**

1. Defendants shall serve 300 Defendant Fact Sheets every three months beginning on February 28, 2012. Defendant Fact Sheets are due as follows:

- a) 300 Defendant Fact Sheets shall be served on February 28, 2012;
- b) 300 Defendant Fact Sheets shall be served on May 30, 2012;
- c) 300 Defendant Fact Sheets shall be served on August 30, 2012;
- d) 300 Defendant Fact Sheets shall be served on November 30, 2012;
- e) 300 Defendant Fact Sheets shall be served on February 28, 2013;
- f) 300 Defendant Fact Sheets shall be served on May 30, 2013;
- g) the remaining Defendant Fact Sheets (600) shall be served on August 30, 2013.

2. For those cases selected for core discovery or trial, Defendants shall serve the Defendant Fact Sheet prior to the date scheduled for the deposition of the prescribing health care provider.

  
 THE HON. CAROL E. HIGBEE, P.J. CV